

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT M. BRY,

Plaintiff,

v.

CITY OF FRONTENAC, et al.,

Defendants.

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) No. 4:14-CV-1501 RLW
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MEMORANDUM AND ORDER

This matter is before the Court on the Motion of City Frontenac, Missouri, and Frontenac Police Officers Brune, Barnett, Baumgartner, Newton, Ford, Loveless and Wuertz to Quash Subpoena and for Protective Order (ECF No. 187). Therein, Defendants seek to quash Plaintiff's subpoena and notice of deposition to West Central Dispatch Center ("WCDC"). Defendants note that Plaintiff must obtain leave of the Court to depose a representative for WCDC because this case is currently on appeal. *See* Fed. R. Civ. P. 27(b). Plaintiff has filed a Combined Motion and Memorandum for Deposition to Perpetuate Testimony During Pendency of Appeal (ECF No. 185), but the time has not run for Plaintiff to file a reply and the Court has not yet ruled on Plaintiff's motion. Therefore, the Court grants Defendants' Motion to Quash Subpoena and for Protective Order because the Court has not granted Plaintiff's request to conduct discovery.

Accordingly,

IT IS HEREBY ORDERED that Motion of City Frontenac, Missouri, and Frontenac Police Officers Brune, Barnett, Baumgartner, Newton, Ford, Loveless and Wuertz to Quash Subpoena and for Protective Order (ECF No. 187) is **GRANTED**.

Dated this 26th day of April, 2016.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE